Alberta
Government

ENFORCEMENT OF THE

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

And

WATER ACT

1 Oct 2013 - 31 Dec 2013

February 2014

Compliance Assurance, Operations Division

Enforcement Actions

1 Oct 2013 - 31 Dec 2013

Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Administrative Penalties				
Cenovus FCCL Ltd.	Municipality of Wood Buffalo 76-3-W4; 76-4-W4 76-5-W4; 76-6-W4 77-3-W4; 77-4-W4 77-5-W4; 77-6-W4	11-Oct-13 Assessed: $7,000.00	AEPEA(R) 227(e)	The Company operates the Christina Lake enhanced recovery in-situ oil sands processing plant and oil production site pursuant to an Approval. It contravened its approval on 23 days in December, 2011 by releasing sulphur dioxide to the atmosphere in an amount that exceeded the approved limits; and failing to immediately report to the Director any contravention of the terms and conditions of the approval. Paid 30 October 2013.
Cenovus Energy Inc.	Municipality of Wood Buffalo SW-30-91-4-W4; SE-21-90-6-W4 NW-21-90-6-W4; NW-31-90-6-W4 NE-34-90-6-W4; SW-2-91-6-W4 NE-21-91-7-W4; SW-1-94-10-W4 NW-32-93-9-W4; NE-32-93-9-W4	05-Dec-13 Assessed: $252,385.00	WA 49(1) 142(1)(n)	The Company diverted water from ten (10) unlicenced water bodies/sources between December 1, 2010 and February 1, 2011. An Amended Director's Decision issued on December 5, 2013. Pursuant to the Amended Director's Decision, the Administrative Penalty was adjusted to $70,000 and the Economic Benefit was assessed at $182,385, for a total of $252,385. Paid 20 December 2013.
Tredwin Developments Inc.	Hinton SE-14-51-25-W5	19-Dec-13 Assessed: $4,000.00	WA 142(1)(e)	The Company contravened its Approval by failing to complete the stormwater management facility within the required period set out within the approval. This activity was to be completed by August 16, 2006, and was not completed until January 13, 2012. Paid 20 January 2014.

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Amended Enforcement Orders				
Samco Developments Ltd. & Dolanz, Russell & Dolanz, Cindy	Parkland County NW-12-53-5-W5	25-Oct-13	WA 36(1)	Amendment No. 1 issued to WA-EO-2012/06-CR, whereas Clauses 3 - 14 inclusive of the EO are deleted, cancelled or repealed; Parties shall retain a third party professional with designation as a Certified Professional in Erosion and Sediment Control ("CPESC"); Submit the Wabamun Lake Protection Plan; Submit a written Interim Progress Report; Submit the Final Report and; Submit the Geotechnical Assessment that includes a complete assessment of slope stability on the Lands.

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Amended Environmental Protection Orders				
Coal Valley Resources Inc. and Sherritt International Corporation	Yellowhead County 22-53-24-W5	25-Nov-13	AEPEA(R) 113	Amendment No. 1 issued to EPO-2013/34-CR deleting and replacing Clause 15; Deleting and replacing sub-paragraph e in Clause 19; Deleting "daily" and replacing with "weekly" in Clause 21; Deleting "December 13, 2013" and replacing with "May 16, 2014" in Clause 27 and; Deleting "Remediation Plan and Sub-Plans" and replacing with "Waste Management Plan" in Clause 35, sub-paragraph d.

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Amended Water Management Order				
Leroux, Michael and Leroux, Denis	County of St. Paul	16-Dec-13	WA 205/98 1(5)	Amendment No. 1 issued to WMO-2013/01-NR deleting December 31, 2013 and replacing with September 30, 2014 in Clause 5.

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Enforcement Orders				
Canadian Natural Resources Limited	Improvement District 349 NE-1-67-3-W4; NE-2-67-3-W4 SE-22-67-3-W4; NE-21-67-4-W4	21-Oct-13	AEPEA(R) 109(2)	Canadian Natural Resources Limited ["CNRL"] holds an approval to operate the Primrose-Wolf Lake enhanced recovery in-situ oil sands and heavy oil processing plant and oil production site within the Cold Lake Air Weapons Range in Alberta. In May and June of 2013, CNRL reported to Alberta Environment and Sustainable Resource Development ["ESRD"] that it discovered three locations where a release of a substance, namely a bitumen emulsion to surface had occurred. A fourth release site was discovered in June underneath an unnamed waterbody. It is unknown how long the releases had been occurring prior to discovery at each of the four locations and the cause of the releases is unknown. Although CNRL has initiated temporary surficial containment measures at each of the release sites, and is required by Environmental Protection Order NO. EPO-2013-33-NR to contain the release at the Aquatic Release Site, the releases are on-going. The Substance released may cause, and is causing an adverse effect on the environment, including the death of and damage to vegetation, insects, amphibians, mammals and birds, as well as contamination of underlying non-saline groundwater aquifers. CNRL shall immediately contain the release and prevent migration of the substance; Prepare and submit a Comprehensive Plan; Submit written Surface Site Containment, Delineation and Remediation Plans; Submit a written Geology and Regional Groundwater Delineation, Monitoring and Remediation Plan; Submit a written Source/Flow Pathway Investigation Plan; Submit a written Site Surface Water Management and Monitoring Plan; Continue to implement and submit an updated Wildlife Management Plan; Submit a Supplemental Waste Management Plan; Submit Reclamation and Communications Plans; Provide Weekly written reports, of all steps taken to comply with this Order and provide a Final Summary Report.

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Environmental Protection Orders				
Coal Valley Resources Inc. and Sherritt International Corporation	Yellowhead County 22-53-24-W5	19-Nov-13	AEPEA(R) 113	Sherritt is the owner of the Obed Mountain Mine located in Yellowhead County and Coal Valley Resources Inc. ("CVRI") is reclaiming the Mine pursuant to an approval issued by Environment and Sustainable Resource Development ("ESRD") under the Environmental Protection and Enhancement Act. The Mine includes, amongst other structures, the Green Pit and the Main Tailings Pond. On October 31, 2013, CVRI reported to ESRD a release of mine wastewater into the environment. It was estimated that a volume of 670,000 m3 mine wastewater was released as a result of a structural failure of the Green Pit. The mine wastewater travelled from the Green Pit and either through or around the Main Tailings Pond into nearby Apetowun Creek and Plante Creek, and then continued flowing into the Athabasca River. The Director is of the opinion that a release of a substance or substances has occurred, and that the Substances that were released have caused, are causing or may cause an adverse effect on the environment, and that remedial work is required to mitigate the adverse effects to the environment, including on Apetowun Creek, Plante Creek and the Athabasca River, affected aquatic and terrestrial habitats (including wetlands), fish and other aquatic species and to terrestrial wildlife species. The Parties shall immediately take steps to contain the mine wastewater solids remaining in Apetowun Creek and Plante Creek and prevent any further solids from entering the Athabasca River; Immediately undertake measures to recover the mine wastewater solids in Plante Creek where it meets the River; Immediately develop and implement a comprehensive sampling and monitoring plan; Submit a Solids Recovery Plan; Short and long-term impact assessment plans; Wildlife mitigation plan; Waste management plan; Mine wastewater management plan; and submit detailed and comprehensive remediation plans.

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Prosecutions				
Diversified Transportation Ltd.		21-Oct-13 Penalty: $33,750.00	AEPEA(R) 192/96 18(1)(b)	Count 13: On or about the 30th day of March, 2009, at or near Fort McMurray, in the province of Alberta, did fail to store a hazardous recyclable in an amount and in a manner so that any leakage is contained and prevented from entering into the remainder of the hazardous recyclable management facility and places beyond, including sewers and the ground beneath the site, contrary to section 18(1)(b) of the Waste Control Regulation and did there by commit an offence contrary to section 42 of the Waste Control Regulation. Pled guilty and was sentenced to a fine of $33,750.00, $32,500.00 of which is to be put towards a creative sentencing project with the Crime Stoppers Association of Edmonton and Northern Alberta. Fine paid 4 November 2013.
Diversified Transportation Ltd.		21-Oct-13 Penalty: $1,250.00	AEPEA(R) 192/96 18(1)(c)	Count 14: On or about the 30th day of March, 2009, at or near Fort McMurray, in the province of Alberta, did fail to store hazardous recyclable in an amount and in a manner so that at least secondary containment is provided for liquid hazardous recyclables, and that there are no openings in the secondary containment system that provide a direct connection to the area surrounding the system, contrary to section 18(1)(c) of the Waste Control Regulation and did there by commit an offence contrary to section 42 of the Waste Control Regulation. Pled guilty and was sentenced to a fine of $1,250.00. Fine paid 4 November 2013.
Sharpe, Andrew Holland		04-Dec-13 Penalty: $1,000.00	PLA 54(1)(a.2)	Count 1: That between the 1st day of May, 2011, and the 30th day of November, 2012, both dates inclusive, at or near Rocky Mountain House, in the Province of Alberta, did cause, permit or suffer activities on, or the use of, public land that is likely to result in loss or damage to public land contrary to section 54(1)(a2) of the Public Lands Act and did thereby commit an offence contrary to section 56(1)(g) of the Public Lands Act, evidence of the said offence having first come to the attention of the Director on or after October 12, 2012. Pled guilty and was sentenced to a fine of $1000.00. Paid 15 January 2014.
Gas Plus Inc.		09-Dec-13	AEPEA(R)	Count 1: "Co-accused Handel Transport (Northern) Ltd., Handel Transport Ltd.,

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		Prosecutions		
		Penalty: $125,000.00	109(2)	Tank Testers Plus Inc. and Tri-Con Transport Ltd." On or between the 1st day of January 2010 and the 3rd day of June 2010, at or near Calgary in the Province of Alberta, did release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect contrary to section 109(2) of the Environmental Protection and Enhancement Act and did thereby commit an offence contrary to s. 227(j) of the Environmental Protection and Enhancement Act, evidence of the said offence having first come to the attention of the Director on April 8, 2010. Pled guilty and was sentenced to a fine of $125,000.00. Paid 9 December 2013.
Gas Plus Inc.		09-Dec-13 Penalty: $125,000.00	AEPEA(R) 110(1)	Count 2: " Co-accused Handel Transport (Northern) Ltd., Handel Transport Ltd., Tank Testers Plus Inc. and Tri-Con Transport Ltd." On or between the 1st day of January 2010 and the 7th day of June 2010, at or near Calgary in the Province of Alberta, being a person who releases or causes or permits the release of a substance into the environment that may cause, is causing or has caused an adverse effect did fail to report that release to the Director as soon as that person knew or ought to have known of the release contrary to section 110(1) of the Environmental Protection and Enhancement Act and did thereby commit an offence contrary to s. 227(j) of the Environmental Protection and Enhancement Act, evidence of the said offence having first come to the attention of the Director on April 8, 2010. Pled guilty and was sentenced to a fine of $125,000.00. Paid 9 December 2013.
SemCAMS ULC		23-Dec-13 Penalty: $200,000.00	FFA 36(3)	Count 1: On or between August 7, 2010 and August 9, 2010, at or near the Town of Fox Creek in the Province of Alberta, did deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water in violation of subsection 36(3) of the Fisheries Act, R.S.C., 1985, c. F-14, as amended, and thereby did commit an offence under subsection 40(2) of the said Act. Pled guilty and was sentenced to a fine of

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		Prosecutions		
				$200,000.00. $125,000 to be paid into the Environmental Damages Fund, $60,000 to go toward the LakeWatch Program, operated by the Alberta Lake Management Society, with the remaining monetary fine of $15,000. Paid 24 January 2014.
SemCAMS ULC		23-Dec-13 Penalty: $150,000.00	AEPEA(R) 112(1)(a)(i)	Count 4: On or between the 7th day of August 2010 and the 10th day of August 2010, at or near Fox Creek in the Province of Alberta, being a person responsible for a substance that is released into the environment and that may cause, is causing or has caused an adverse effect, did fail, as soon as that person became aware or ought to have become aware of the release, to take all reasonable measures to repair, remedy and confine the effects of the substance contrary to section 112(1)(a)(i) of the Environmental Protection and Enhancement Act and did thereby commit an offence contrary to s. 227(j) of the Environmental Protection and Enhancement Act. Pled guilty and was sentenced to a fine of $150,000.00. Paid 24 January 2014.

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
		Tickets		
No Activity				

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		Warning Letters		
791605 Alberta Ltd.	Pincher Creek 23-6-30-W4	01-Oct-13	WA 36(1)	The Company conducted an unauthorized activity, erosion protection works at the Memorial Campground that were commenced and completed on August 30, 2011 without approval.
Krystal Engineers & Consultants Ltd.	Pincher Creek 23-6-30-W4	01-Oct-13	WA 36(1)	The Company conducted an unauthorized activity, erosion protection works at the Memorial Campground that were commenced and completed on August 30, 2011 without approval.
Pincher Creek, Town of	Pincher Creek 23-6-30-W4	01-Oct-13	WA 36(1)	The Town conducted an unauthorized activity, erosion protection works at the Memorial Campground that were commenced and completed on August 30, 2011 without approval.
Apache Seeds Limited	Edmonton Plan 8021691, Block 61, Lot 24	08-Oct-13	AEPEA(R) 163(1) 24/97 20(1)	An Inspection at the Apache Seeds Limited Facility on July 18, 2013 discovered the unauthorized sale of Schedule 2 pesticides and improper record keeping.
Long Run Exploration Ltd.	Strathcona County NE-23-55-21-W4	10-Oct-13	WA 36(1)	The Company conducted an unauthorized activity, the construction of a well pad within a water body on June 20, 2012.
Slave Lake Pulp Corporation	MD of Lesser Slave River	15-Oct-13	AEPEA(R) 227(e)	The Company operates the Slave Lake Chemithermomechanical Pulp Plant pursuant to an Approval. It contravened its approval with the release of industrial wastewater from the Industrial Wastewater Control System to the Lesser Slave River which exceeded the limits for the parameters specified in Table 4.3-A of the approval.
Husky Energy Inc.	MD of Bonnyville SE-32-64-4-W4	01-Nov-13	WA 142(1)(e)	The Company contravened its approval with the withdrawal of water from a production well at a rate of 360 cubic metres per day, in excess of the allowable maximum pumping rate of 200m3 per day on or about February 8, 2013.

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		Warning Letters		
Tervita Corporation	MD of Opportunity SW-19-82-23-W4	04-Nov-13	AEPEA(R) 227(e)	The Company operates the Wabasca Class II Industrial Landfill pursuant to an Approval. It contravened its approval (236632-00-00) when it reported on April 2, 2012, that it failed to obtain the required leachate analytical in the spring of 2011.
Tervita Corporation	County of Grande Prairie SE-9-72-8-W6 MD of Greenview SW-29-62-20-W5 MD of Big Lakes SE-14-73-17-W5	04-Nov-13	WA 142(1)(e)	The Company contravened its approvals on February 6, 2012, it reported exceeding their yearly water diversion limits contrary to conditions set out in License 219239-00-00; January 13, 2012, it reported failing to obtain the required water chemical analysis as per Section 4, Clause 6.0 (c) of water license amendment 208295-00-01; and on March 30, 2012, when it reported exceeding 11 daily water diversion limits contrary to the limits set out in Table 3-1 of license 248518-00-00.
Tervita Corporation	MD of Big Lakes SW-29-72-4-W5	04-Nov-13	AEPEA(R) 227(e)	The Company operates the Mitsue Class II Industrial Landfill pursuant to an Approval. It contravened its approval (218419-00-00) on August 19, 2011 when it was reported weekly leachate monitoring was missed December 10, 2010; The pH values for the site were not monitored twice yearly and complete analytical data was not submitted on November 4, 2010; Working face width and leachate monitoring was not completed for the 2011 annual landfill report; April 2, 2012 it was reported that there was a failure to obtain the field pH sampling in the spring on the leachate, failure to conduct an audit at least once every three years by an independent third party consultant, and failure to follow the operational plans concerning waste acceptance procedures.
Tervita Corporation	MD of Greenview SE-6-62-18-W5	04-Nov-13	AEPEA(R) 227(e)	The Company operates the Fox Creek Class II Industrial Landfill pursuant to an Approval. It contravened its approval (207586-00-00) on August 19, 2011 when it reported the failure to analyze field pH on leachate twice per year, and on April 2, 2012, reported failing to obtain the required leachate analytical in accordance with the approval.
Tervita Corporation	County of Grande Prairie	04-Nov-13	AEPEA(R)	The Company operates the La Glace Class II Industrial Landfill pursuant to an

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Warning Letters				
	NE-15-73-9-W6		227(e)	Approval. It contravened its approval (154484-00-00) when it reported on April 2, 2012 that it failed to obtain the required leachate analytical in accordance with Clause 4.4.1 and 4.4.11 of the approval.
Tervita Corporation	MD of Spirit River SW-31-77-5-W6	04-Nov-13	AEPEA(R) 227(e)	The Company operates the Spirit River Class II Industrial Landfill pursuant to an Approval. It contravened its approval (137872-01-00) when it reported on April 2, 2012, it failed to obtain the required leachate analytical in accordance with Clause 4.1.17(c) of the approval.
Tervita Corporation	MD of Greenview E-24-69-6-W6	04-Nov-13	AEPEA(R) 227(e)	The Company operates the South Grande Prairie Class II Industrial Landfill pursuant to an Approval. It contravened its approval (239576-00-00) on August 19, 2011 when it reported it failed to properly complete a waste gate screen form resulting in invalid confirmation of waste received and therefore, incompletion of leachate analysis monitoring and reporting, and on February 29, 2012 when it was reported the analytical on ground water monitoring was missed in the 2011 annual report.
Tervita Corporation	MD of MacKenzie SE-5-111-5-W6	04-Nov-13	AEPEA(R) 227(e)	The Company operates the Rainbow Lake Class II Industrial Landfill pursuant to an Approval. It contavened its approval (193262-00-00) throughout 2010 and 2011 by accepting waste which exceeded the pH level, accepting waste which did not meet the approved requirements, and missing numerous weekly inspections as required by the approval.
Urbinsky, Glen	Red Deer County NW-23-36-25-W4	05-Nov-13	WA 36(1)	Mr. Urbinsky conducted an activity, the alteration of the shore of Pine Lake through the unauthorized placement of sand on or about March 29, 2013.
Foothills No. 31, Municipal District of	MD of Foothills 13-18-27-W4	06-Nov-13	AEPEA(R) 227(e)	The Municipal District of Foothills No. 31 operates the Blackie Waterworks System pursuant to an Approval. Warning letter issued for failing to report the loss of positive pressure in a distribution line, being a contravention of the Code of Practice for Waterworks Systems Using High Quality Groundwater.

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Warning Letters				
Harvest Operations Corp.	MD of Provost NW-15-40-8-W4	08-Nov-13	AEPEA(R) 227(e)	The Company operates the Provost Sour Gas Processing Plant pursuant to an Approval. it contavened its approval by failing to complete the required sampling on discharges from the industrial runoff control system in 2012 as required.
Cenovus Energy Inc.	Cypress County SW-4-15-9-W4	22-Nov-13	AEPEA(R) 61	The Company conducted an activity, the burning of prohibited debris (shingles, plastic pipe, metal, insulation) without an approval on March 6, 2013.
Eastern Irrigation District	County of Newell SW-12-20-15-W4	25-Nov-13	AEPEA(R) 61	The Eastern Irrigation District conducted an activity, the burning of prohibited debris (treated wood, metals, plastic) without an approval in March, 2013.
Canadian Natural Resources Limited	Yellowhead County SE-28-53-23-W5	26-Nov-13	WA 193/98 2(2)(a)	The Company failed to have a plan on-site in possession of the person responsible for carrying out the works which details contingency and monitoring measures while drilling as required under Code of Practice for Pipelines and Telecommunication Lines Crossing a Waterbody on December 8, 2012.
Blaze Energy Ltd.	Yellowhead County SW-3-48-13-W5	27-Nov-13	WA 142(1)(e)	The Company contravened its approval by failing to prepare a summary of the implemented Conservation and Productivity Plan and results and submit the report to the Director before October 1, 2012.
SemCAMS ULC	MD of Greenview	29-Nov-13	AEPEA(R) 227(e)	The Company operates the Kaybob South 1 & 2 Sour Gas Plant pursuant to an Approval. It contravened its approval with the release of low pH run-off water from the North Acid Water Collection Pond into an adjacent wetland on or about July 24, 2012.
Taber, Municipal Distnct of	MD of Taber NW-16-14-18-W4	29-Nov-13	AEPEA(R) 61	The Municipal District conducted an activity, the burning of prohibited debris (treated wood, coated metals, plastic bags, fiberglass, and shingles) without an approval on April 24, 2013.
Evergreen Regional Waste Management Services Commission	County of St. Paul SW & NW-16-56-10-W4	05-Dec-13	AEPEA(R) 227(e)	The Company operates the Evergreen Regional Class II Landfill pursuant to an Approval. It contravened its approval by failing to have an operational scale on

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		Warning Letters		
				site and failing to contact the Director immediately of the contravention on August 17, 2013 and between August 19 and 22, 2013.
Dundee Castle Keep (GP) Inc.	Calgary NE-16-24-2-W5	18-Dec-13	WA 36(1)	The Company conducted an unauthorized activity at the Aspen Woods Phase 1 Castle Keep Subdivision, being the construction of a temporary access road to the development through a class 5 wetland on April 19, 2011.
Maverick Energy Inc.	Red Deer County NE-30-37-23-W4	19-Dec-13	WA 36(1)	The Company conducted an unauthorized activity, the construction of a well site in a water body on or about July 12, 2013.

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Water Management Orders				
Leroux, Michael and Leroux, Denis	County of St. Paul NW-8-58-10-W4	15-Nov-13	WA 205/98 1(5)	Michael Leroux is the current owner of NW 8-58-10-W4M and Denis Leroux is the owner of NE 7-58-10-W4M, (the "Lands") in the County of St. Paul, Alberta. There is an unnamed ephemeral watercourse that runs for approximately 1.6 kilometers through the Lands. On November 4, 2013, Environment and Sustainable Resource Development ("ESRD") received a complaint from the County that the Watercourse on the Lands had been disturbed by heavy construction equipment directed by Michael Leroux. An Inspection by ESRD observed an ongoing activity in the Watercourse where the bed and shore vegetation had been removed exposing bare soil. Michael Leroux was instruced to discontinue any further work on the Watercourse and that an Environmenta Consultant would need to be consulted on the best method of restoring and stabilizing the Watercourse on the Lands. ESRD has never issued an Approval for the activity undertaken in the Watercourse on the Lands and the Director is of the opinion that unless the Watercourse is remediated and stabilized prior to tie period of spring runoff 2014 that there is potential for a significant adverse effect to the environment downstream of the Watercourse due to erosion and sedimentation. The Parties shall immediately carry out the remediation and stabilization of the Watercourse according to the requirements set out in the proposal and; submit written reports to the Director confirming the work undertaken has been completed.